

An Act

HOUSE BILL 23-1068

BY REPRESENTATIVE(S) Valdez, Duran, Garcia, Lindsay, Mabrey, McCormick, Ortiz, Woodrow, Amabile, Joseph, Sharbini; also SENATOR(S) Winter F. and Jaquez Lewis, Cutter.

CONCERNING PET ANIMAL OWNERSHIP IN HOUSING, AND, IN CONNECTION THEREWITH, PROHIBITING RESTRICTIONS ON DOG BREEDS FOR OBTAINING HOMEOWNER'S INSURANCE, PROVIDING FOR THE MANNER IN WHICH PET ANIMALS ARE HANDLED WHEN A WRIT OF RESTITUTION IS EXECUTED, LIMITING SECURITY DEPOSITS AND RENT FOR PET ANIMALS, AND EXCLUDING PET ANIMALS FROM PERSONAL PROPERTY LIENS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) Each year tens of thousands of pets enter Colorado's animal shelters. Frequent reasons for surrendering a pet include issues related to housing, moving, or landlords. Often, rehoming a pet is the last option for an individual or family and it has a detrimental impact on the physical and emotional well-being of the pet and of those who surrender it.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(b) A majority of Americans consider their pets to be family members but many people have trouble finding housing because properties are often advertised as "pet-friendly" but include high fees and restrictions, including restrictions on breed, weight, and quantity, that create barriers for pet-owning tenants. Some restrictions even force families to choose between keeping a beloved pet or moving into a new home.

(c) Extensive restrictions on pets in the housing context disproportionately impact lower-income households and prevent lower-income households from experiencing the benefits of pet ownership;

(d) Due to such restrictions, there is a severe need for the availability of properties in Colorado that welcome pets at a reasonable cost; and

(e) It is the intent of the general assembly to encourage housing developers, owners, landlords, insurers, and other operators to increase pet-inclusive affordable housing in Colorado.

SECTION 2. In Colorado Revised Statutes, 10-4-110.8, **add** (16) as follows:

10-4-110.8. Homeowner's insurance - prohibited and required practices - estimates of replacement value - additional living expense coverage - copies of policies - personal property contents coverage - inventory of personal property - requirements concerning total loss scenarios resulting from wildlife disasters - definitions - rules.

(16) (a) AN INSURER SHALL NOT REFUSE TO ISSUE, CANCEL, REFUSE TO RENEW, OR INCREASE A PREMIUM OR RATE FOR A HOMEOWNER'S INSURANCE POLICY OR A DWELLING FIRE INSURANCE POLICY BASED ON THE BREED OR MIXTURE OF BREEDS OF DOG THAT IS KEPT AT THE DWELLING.

(b) THIS SUBSECTION (16) DOES NOT PROHIBIT AN INSURER FROM REFUSING TO ISSUE, CANCELLING, REFUSING TO RENEW, OR IMPOSING A REASONABLE INCREASE TO A PREMIUM OR RATE FOR A HOMEOWNER'S INSURANCE POLICY OR A DWELLING FIRE INSURANCE POLICY BASED ON SOUND UNDERWRITING AND ACTUARIAL PRINCIPLES ON THE BASIS THAT A PARTICULAR DOG KEPT AT THE DWELLING IS KNOWN TO BE DANGEROUS OR HAS BEEN DECLARED TO BE DANGEROUS IN ACCORDANCE WITH SECTION 18-9-204.5.

(c) AN INSURER MAY NOT ASK OR OTHERWISE INQUIRE ABOUT THE SPECIFIC BREED OR MIXTURE OF BREEDS OF DOG THAT IS KEPT AT THE DWELLING EXCEPT TO ASK IF THE DOG IS KNOWN TO BE DANGEROUS OR HAS BEEN DECLARED TO BE DANGEROUS IN ACCORDANCE WITH SECTION 18-9-204.5.

(d) FOR THE PURPOSES OF THIS SUBSECTION (16), "DWELLING" INCLUDES A DWELLING UNIT AS DEFINED IN SECTION 38-12-502 (3).

SECTION 3. In Colorado Revised Statutes, 13-40-122, **add** (2.5) as follows:

13-40-122. Writ of restitution after judgment - definitions.

(2.5) (a) (I) NOTWITHSTANDING SUBSECTIONS (3) AND (4) OF THIS SECTION, THE OFFICER THAT EXECUTES A WRIT OF RESTITUTION UNDER SUBSECTION (1) OF THIS SECTION SHALL IMMEDIATELY INSPECT THE PREMISES FOR ANY PET ANIMALS.

(II) IF THE TENANT IS PRESENT ON THE PREMISES AT THE TIME THE WRIT OF RESTITUTION IS BEING EXECUTED, THE OFFICER SHALL GIVE ANY PET ANIMALS FOUND DURING THE INSPECTION REQUIRED BY SUBSECTION (2.5)(a)(I) OF THIS SECTION TO THE TENANT.

(III) IF THE TENANT IS NOT PRESENT ON THE PREMISES AT THE TIME THE WRIT OF RESTITUTION IS BEING EXECUTED AND THERE ARE ANY PET ANIMALS FOUND DURING THE INSPECTION REQUIRED BY SUBSECTION (2.5)(a)(I) OF THIS SECTION, THE OFFICER SHALL CONTACT THE LOCAL AUTHORITY IN CHARGE OF ANIMAL CONTROL TO TAKE CUSTODY OF THE PET ANIMALS. THE LANDLORD SHALL PROVIDE THE LOCAL AUTHORITY IN CHARGE OF ANIMAL CONTROL ACCESS TO THE PREMISES TO REMOVE OR SECURE THE PET ANIMALS IN A TIMELY MANNER AND PROVIDE THE NAME AND CONTACT INFORMATION OF THE TENANT, IF AVAILABLE. THE LANDLORD SHALL POST NOTICE AT THE PREMISES IN A VISIBLE PLACE WITH THE NAME AND CONTACT INFORMATION OF THE ORGANIZATION WHERE THE PET ANIMALS HAVE BEEN TAKEN AND, UPON REQUEST OF THE TENANT, SHALL PROVIDE THE TENANT WITH THE NAME AND CONTACT INFORMATION OF THE ORGANIZATION WHERE THE PET ANIMALS HAVE BEEN TAKEN.

(b) NO PET ANIMAL SHALL BE REMOVED FROM THE PREMISES DURING THE EXECUTION OF A WRIT OF RESTITUTION AND LEFT UNATTENDED ON

PUBLIC OR PRIVATE PROPERTY.

(c) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "PET ANIMAL" HAS THE SAME MEANING AS SET FORTH IN SECTION 35-80-102 (10).

SECTION 4. In Colorado Revised Statutes, **add** 38-12-106 as follows:

38-12-106. Security deposits - limitation on pet security deposit and rent - definition. (1) A LANDLORD SHALL NOT DEMAND OR RECEIVE AN ADDITIONAL SECURITY DEPOSIT OF MORE THAN THREE HUNDRED DOLLARS FROM A PROSPECTIVE OR CURRENT TENANT AS A CONDITION OF PERMITTING THE TENANT'S PET ANIMAL TO RESIDE AT THE RESIDENTIAL PREMISES WITH THE TENANT AND THE SECURITY DEPOSIT MUST BE REFUNDABLE TO THE TENANT.

(2) A LANDLORD SHALL NOT DEMAND OR RECEIVE ADDITIONAL RENT FROM A TENANT AS A CONDITION OF PERMITTING THE TENANT'S PET ANIMAL TO RESIDE AT THE RESIDENTIAL PREMISES WITH THE TENANT IN AN AMOUNT THAT EXCEEDS THIRTY-FIVE DOLLARS PER MONTH OR ONE AND ONE-HALF PERCENT PER MONTH OF THE TENANT'S MONTHLY RENT, WHICHEVER AMOUNT IS GREATER.

(3) AS USED IN THIS SECTION, "PET ANIMAL" HAS THE SAME MEANING AS SET FORTH IN SECTION 35-80-102 (10).

SECTION 5. In Colorado Revised Statutes, 38-20-102, **amend** (3)(a) as follows:

38-20-102. Lien for care and feeding of pet animals - lien for lodging and boarding services for transient guests - landlord lien on tenant's personal property. (3) (a) Any person who rents furnished or unfurnished rooms or apartments for the housekeeping purposes of ~~his~~ THE PERSON'S tenants, as well as the keeper of a trailer court who rents trailer space, shall have a lien upon the tenant's personal property that is then on or in the rental premises. The value of the lien shall be for the amount of unpaid board, lodging, or rent, and for reasonable costs incurred in enforcing the lien, not including attorney fees. The lien shall be upon the household furniture, goods, appliances, and other personal property of the

tenant and members of ~~his~~ THE TENANT'S household then being upon the rental premises, but exclusive of PET ANIMALS, small kitchen appliances, cooking utensils, beds, bedding, necessary wearing apparel, personal or business records and documents, and the personal effects of the tenant and the members of ~~his~~ THE TENANT'S household.

SECTION 6. Act subject to petition - effective date. This act takes effect January 1, 2024; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be

held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
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SECRETARY OF
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APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO